

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

IN RE MUTUAL FUNDS INVESTMENT
LITIGATION MDL 1586

Alliance Sub-track 1:04-MD-15862 (AMD)

**CLASS PLAINTIFFS' MOTION FOR DISTRIBUTION OF
SETTLEMENT PROCEEDS IN THE ALLIANCE SUB-TRACK**

Plaintiffs Philip L. Erickson and Nadine Geller in the investor class action (the “Investor Class Plaintiffs”), acting on behalf of themselves and all members of the Investor Class, and plaintiff Martine Stansbery, Jr. in the ERISA¹ class action (the “ERISA Class Plaintiff” and, together with Investor Class Plaintiffs, the “Class Plaintiffs”), acting on behalf of herself and all members of the ERISA Class, respectfully move this Court for an order pursuant to Rule 23(e) of the Federal Rules of Civil Procedure which will, among other things: (i) approve the administrative determinations of the Court-approved claims administrator, Rust Consulting, Inc. (“Rust”), accepting and rejecting the Proof of Claim and Release forms (“Claim Forms”) submitted in the Alliance Sub-track of *MDL 1586 – In re Mutual Funds Investment Litigation* (the “Action”); (ii) approve payment of \$2,506,307.82 out of the Net Settlement Fund to Rust for the balance of its fees and expenses incurred and to be incurred in connection with the administration of the settlements and distribution of the Net Settlement Fund and OAG/Canary Fund; (iii) direct distribution of the Net Settlement Fund, after the payment requested herein, and the OAG/Canary Fund to claimants whose Claim Forms have been accepted as valid and approved by the Court; (iv) direct that distribution checks state that the check must be cashed within 90 days after the issue date; (v) direct that Authorized Claimants will forfeit all recovery

¹ “ERISA” refers to the Employee Retirement Income Security Act of 1974, Pub. L. 93-406, 88 Stat. 829.

from the settlement proceeds if they fail to cash their distribution checks in a timely manner; (vi) direct that any funds remaining in the Net Settlement Fund one (1) year after the initial distribution of such funds be distributed to the Class Funds, in proportion to the harm to each fund as determined by Investor Lead Counsel's expert; (vii) authorize destruction of paper copies and electronic copies of Claim Forms and all supporting documentation three (3) years after distribution of the Net Settlement Fund and OAG/Canary Fund; and (viii) provide for such other and further relief as this Court deems appropriate.

This Motion is based upon the accompanying (i) Memorandum in Support of Class Plaintiffs' Motion for Distribution of Settlement Proceeds in the Alliance Sub-Track; (ii) Affidavit of Eric S. Schachter in Support of Motion for Distribution of Settlement Proceeds in the Alliance Sub-Track, submitted on behalf of Rust; and all other pleadings and matters of record in this Action.

The [Proposed] Order Approving Distribution of Settlement Proceeds in the Alliance Sub-Track is attached hereto as Exhibit 1.

DATED: December 5, 2012

Respectfully submitted,

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